



(Handwritten signature)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/743,321
Applicant(s) : Peter ELMS et al.
Filed : December 23, 2003
TC/A.U. : 3623
Examiner : Not Yet Assigned

Confirmation No.: 5565

Docket No. : 86769-0026
Customer No. : 30398

Mail Stop Petition

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

TRANSMITTAL

Sir:

Transmitted herewith for filing is a Request for Reconsideration of Petition Under 37 C.F.R. §1.47(a) in response to the Decision Refusing Status Under 37 C.F.R. §1.47(a) mailed November 19, 2004, in the above-identified application.

- ☒ Applicant petitions for an extension of time, the fees for which are set forth in 37 C.F.R. § 1.136(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension of Time</u>	<u>Fee for Small Entity</u>
<input type="checkbox"/> one month	\$ 120.00	\$ 60.00
<input checked="" type="checkbox"/> two months	\$ 450.00	\$ 225.00
<input type="checkbox"/> three months	\$1,020.00	\$ 510.00
<input type="checkbox"/> four months	\$1,590.00	\$ 795.00
<input type="checkbox"/> five months	\$2,160.00	\$1,080.00

03/22/2005 JADD01 00000047 10743321

Extension of time fee due with this request: \$ 450.00

If an additional extension of time is required, please consider this a Petition therefore. 450.00 OP

02 FC 1252

Application No. 10/743,321

Transmittal Letter dated March 21, 2005

Request for Reconsideration of Petition Under 37 C.F.R. §1.47(a) dated March 21, 2005

In reply to Decision Refusing Status Under 37 C.F.R. §1.47(a) mailed November 19, 2004

- ☐ No additional fee is required.
- ☒ Check No. **11724** in the amount of \$ **130.00** is attached for fees as required and set forth in 37 CFR 1.17(h).
- ☒ Check No. **11725** in the amount of \$ **450.00** is attached for extension fees required and as set forth in 37 CFR 1.136(a).
- ☐ Please charge my Deposit Account No. 50-1349 the amount of \$.
- ☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-1349.
- ☒ Any filing fees under 37 C.F.R. §1.16 for the presentation of extra claims.
- ☒ Any patent application processing fees under 37 C.F.R. §1.17.

Respectfully submitted,

HOGAN & HARTSON LLP

Dated: March 21, 2005

HOGAN & HARTSON LLP

555 Thirteenth Street, N.W.

Washington, D.C. 20004

Telephone: 202-637-5703

Facsimile: 202-637-5910

e-mail: cjcrowson@hhlaw.com

Customer No. 30398

By: _____

Celine Jimenez Crowson

Registration No. 40,357

David D. Nelson

Registration No. 47,818



UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/743,321
Applicant(s) : Peter ELMS et al.
Filed : December 23, 2003
TC/A.U. : 3623
Examiner : Not Yet Assigned

Confirmation No.: 5565

Docket No. : 86769-0026
Customer No. : 30398

Mail Stop Petition

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

**REQUEST FOR RECONSIDERATION OF
PETITION UNDER 37 CFR § 1.47(a)**

Sir:

In response to the Decision Refusing Status Under 37 C.F.R. § 1.47(a) dated November 19, 2004 (Decision), the Applicants hereby request reconsideration of this Decision in view of the following:

(a) The Petition under 1.47(a) filed on September 27, 2004 included a Declaration for Patent Application executed by inventors Messrs. David K. Black, Emmett H. Fremaux, Niten Malik, and Carl Almond, with a signature block for the non-signing inventor Mr. Peter Elms; was thus found that the instant petition failed to satisfy item (2) set forth in the Decision.

(b) A new Declaration for Patent in compliance with 35 U.S.C. §§ 115, 116 and 37 CFR §§ 1.63 and 1.64, with pages properly numbered and executed by inventors Messrs. David K. Black, Emmett H. Fremaux, Niten Malik, and Carl Almond, with a signature block for non-signing inventor Mr. Peter Elms is submitted herewith; thus satisfying item (2) of the Decision and meeting the requirements specified by the Examiner. The new Declaration for Patent is added to this request as Attachment 1.

01 FC:1464

130.00 OP

Application No. 10/743,321

Request for Reconsideration of Decision on Petition dated March 21, 2005

In Reply to Decision Refusing Status Under 37 CFR §1.47(a) dated November 19, 2004

(c) As indicated in the Petition Under 37 CFR § 1.47(a) of November 4, 2004, the non-signing inventor Mr. Elms has refused to execute the declaration, as indicated in Attachment 2.

CONCLUSION

It is further requested that the Examiner recognizes and accepts into record the new declaration signed by Messrs. Black, Fremaux, Malik, and Almond.

It is further requested that the Examiner grant such petition to preserve the rights of and preventing economic injury to the applicants/owner of this invention.

I further declare that all statements made herein of my own knowledge are true; that all statements made on information and belief are believed to be true; that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001; and that such willful false statements may jeopardize the validity of the application or document or any resulting registration resulting therefrom.

In view of the foregoing, the reconsideration of this decision is respectfully requested. Should the Office of Counsel feel that there are any issues outstanding after consideration of this request, the Office of Counsel is invited to contact the undersigned petitioner's representative to expedite a final decision on this matter.

A check for the amount of **\$130.00** is enclosed for the petition fee as set forth in 37 CFR §1.17(h).

Additionally, applicants petition for a two-month extension of time, the fees for which are set forth in 37 C.F.R. § 1.136(a). A check in the amount of **\$450.00** for fees including a two-month extension of time is enclosed herewith. If an additional extension of time is required, please consider this a Petition therefore.

Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any other fees due in connection with the filing of this response or, additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§1.16 and 1.17 which may be required, including any required extension of

Application No. 10/743,321

Request for Reconsideration of Decision on Petition dated March 21, 2005

In Reply to Decision Refusing Status Under 37 CFR §1.47(a) dated November 19, 2004

time fees, or credit any overpayment to Deposit Account 50-1349. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. §1.136(a)(3).

Respectfully submitted,

Dated: March 21, 2005

HOGAN & HARTSON LLP

555 13th Street, N.W.

Washington, D.C. 20004

Telephone: 202-637-5600

Facsimile: 202-637-5910

Customer No. 30398

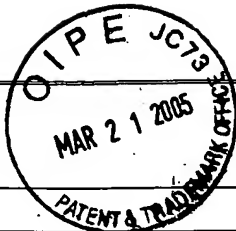
By: _____

Celine Jimenez Crowson

Registration No. 40,357

David D. Nelson

Registration No. 47,818



DECLARATION FOR PATENT APPLICATION

U.S. DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office

ATTORNEY DOCKET NO.: 86769-0026

As below named inventor(s), WE hereby declare that:

OUR residence, post office address, and citizenship are as stated below next to our names,

WE believe WE are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled:

SECURE ELECTRONIC REGISTRATION FOR VOTING SOLUTION

the specification of which:

☐ is attached hereto; or☒ was filed as United States application Serial No. 10/743,321 on December 23, 2003; or☐ was filed as PCT international application Number _____ on _____ and was amended under PCT Article 19 on _____ (if applicable).

WE hereby state that WE have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

WE acknowledge the duty to disclose to the U.S. Patent and Trademark Office information which is material to the patentability of claims presented in this application in accordance with Title 37, Code of Federal Regulations, § 1.56.

WE hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate or § 365(a) of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

PRIOR FOREIGN APPLICATION(S):

COUNTRY (if PCT, indicate PCT)	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No

We hereby claim the benefits under Title 35, United States Code §119(e) of any United States provisional application(s) listed below:

U.S. PROVISIONAL APPLICATIONS

U.S. PROVISIONAL APPLICATION NO.	U.S. FILING DATE
60/444,885	February 5, 2003

Declaration For Patent Application - (Continued)

Attorney Docket No.: 86769-0026

Page 2

WE hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) or § 365(c) of any PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, § 112, WE acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to us to be material to the patentability of claims presented in this application in accordance with Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application(s) and the national or PCT international filing date of this application:

PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S. FOR BENEFIT:

U.S. APPLICATIONS		STATUS (Check One)		
U.S. APPLICATION NO.	U.S. FILING DATE	PATENTED	PENDING	ABANDONED

Direct Telephone Calls To:
(name and telephone number)

Celine Jimenez Crowson
202-637-5703

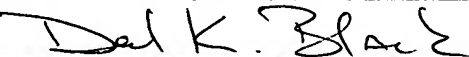
WE hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

FULL NAME OF FIRST INVENTOR	Peter ELMS		
RESIDENCE (CITY & STATE, OR CITY & COUNTRY)	Chevy Chase, Maryland	COUNTRY OF CITIZENSHIP United States	
POST OFFICE ADDRESS	4215 Oakridge Lane, Chevy Chase, Maryland 20815		
FIRST OR SOLE INVENTOR'S SIGNATURE		DATE	

NAMES OF ADDITIONAL INVENTORS' SIGNATURES ATTACHED ☒ YES ☐ NO

Declaration For Patent Application - (Continued)

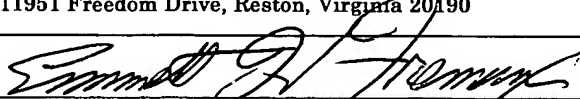
Attorney Docket No. 86769-0026
Page 3

FULL NAME OF SECOND INVENTOR	David K. BLACK	
RESIDENCE (CITY & STATE, OR CITY & COUNTRY)	Alexandria, Virginia.	COUNTRY OF CITIZENSHIP United States
POST OFFICE ADDRESS	900 Clifton Drive, Alexandria, VA 22308	
SECOND INVENTOR'S SIGNATURE		DATE 02-23-05

NAMES OF ADDITIONAL INVENTORS' SIGNATURES ATTACHED ☒ YES ☐ NO

Declaration For Patent Application – (Continued)

Attorney Docket No. 86769-0026
Page 4

FULL NAME OF THIRD INVENTOR	Emmett H. FREMAUX	
RESIDENCE (CITY & STATE, OR CITY & COUNTRY)	Reston, Virginia	COUNTRY OF CITIZENSHIP United States
POST OFFICE ADDRESS	11951 Freedom Drive, Reston, Virginia 20190	
THIRD INVENTOR'S SIGNATURE		DATE 12/20/04

NAMES OF ADDITIONAL INVENTORS' SIGNATURES ATTACHED ☒ YES ☐ NO

Declaration For Patent Application - (Continued)

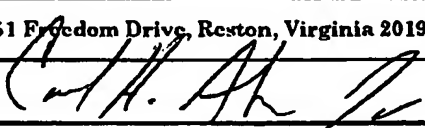
Attorney Docket No. 86769-0026
Page 5

FULL NAME OF FOURTH INVENTOR	Niten MALIK	
RESIDENCE (CITY & STATE, OR CITY & COUNTRY)	Reston, Virginia 3725 Nellie Cashes Dr. Arlington VA 22207 USA	COUNTRY OF CITIZENSHIP INDIA United States
POST OFFICE ADDRESS	11951 Freedom Drive, Reston, Virginia 20190	
FOURTH INVENTOR'S SIGNATURE	Niten Malik	DATE 02/24/05

NAMES OF ADDITIONAL INVENTORS' SIGNATURES ATTACHED ☒ YES ☐ NO

Declaration For Patent Application - (Continued)

Attorney Docket No. 86769-0026
Page 6

FULL NAME OF FIFTH INVENTOR	Carl ALMOND	
RESIDENCE (CITY & STATE, OR CITY & COUNTRY)	Reston, Virginia	COUNTRY OF CITIZENSHIP United States
POST OFFICE ADDRESS	11951 Freedom Drive, Reston, Virginia 20190	
FIFTH INVENTOR'S SIGNATURE		DATE 12/13/04

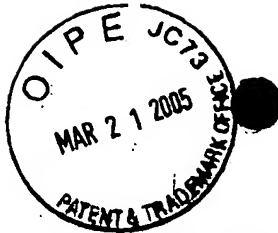
NAMES OF ADDITIONAL INVENTORS' SIGNATURES ATTACHED ☐ YES ☒ NO

HOGAN & HARTSON L.L.P.

DEC 13 2004

IP DOCKETING DEPT.

DE 13 11 55
Dec 13 04 12:44 p



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/743,321
Applicant(s) : Peter ELMS
Filed : December 23, 2003
TC/A.U. : 3623
Examiner : Not Yet Assigned

Confirmation No.: 5565

Docket No. : 86769-0026
Customer No. : 30398

PETITION UNDER 37 C.F.R. §1.47(a)

Commissioner for Patents
Attn: Box: Missing Parts
Washington, D.C. 20231

Dear Sir:

Applicants hereby petition under 37 C.F.R. §1.47(a) to file the present application without the signature of one (1) of the inventors on an Oath or Declaration. Submitted herewith is a Declaration for Patent Application identifying the present application by Application number and by filing date. The Joint Declaration and Power of Attorney is signed by all except one of the inventors (David K. Black, Emmett H. Fremaux, Niten Malik and Carl Almond) and has a blank signature block for the non-signing inventor (Peter Elms). In accordance with MPEP §409.03(a)(A), this Declaration for Patent Application may be treated as having been signed by all the available inventors on behalf of the nonsigning inventors.

Further attached herewith is a Declaration in Support of the Petition under 37 C.F.R. §1.47(a) [hereafter the "Declaration"] describing the diligent efforts made to contact the non-signing inventor, Mr. Elms, who refuses to sign the Joint Declaration and Power of Attorney. As further described in the Declaration, Mr. Elms was an employee of the assignee of the present application during the time of invention and is under a legal obligation to sign an Oath or Declaration.

Petition Under 37 C.F.R. 1.47(a) dated November 4, 2004
Notice to File Missing Parts dated April 5, 2004

The last known address for the non-signing inventor, Mr. Elms, is:


4215 Oakridge Lane
Chevy Chase, Maryland 20815

Also submitted herewith is a check for the Petition fee of \$130 as specified in 37 CFR §1.17(h). Please charge any deficiencies and credit any overpayment to the Deposit Account No. 50-1359 of the undersigned.

Respectfully submitted,

Dated: November 4, 2004

By:


Celine Jimenez Crowson
Registration No. 40,357

David D. Nelson
Registration No. 47,818

Hogan & Hartson, L.L.P.
555 13th St., N.W.
Washington, DC 20004
Telephone: (202) 637-5497
Facsimile: (202) 637-5910
Customer No. 30398

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/743,321
Applicant(s) : Peter ELMS
Filed : December 23, 2003
TC/A.U. : 3623
Examiner : Not Yet Assigned

Confirmation No.: 5565

Docket No. : 86769-0026
Customer No. : 30398

DECLARATION IN SUPPORT OF PETITION UNDER 37 C.F.R. §1.47(a)

Commissioner for Patents
Box: Missing Parts
Washington, D.C. 20231

Sir:

In support of a Petition Under 37 C.F.R. 1.47(a) for the above-referenced patent application, I, David D. Nelson, declare that I am a registered Patent Attorney, Registration No. 47,818, that I represent Accenture Global Services GmbH in connection with the preparation and prosecution of the present patent application, and that I am authorized to make the following statements:

(1) Accenture Inc. is a wholly owned subsidiary of Accenture Global Services GmbH. Accenture Global Services GmbH is a corporation of Switzerland and principally located at Geschäftshaus Herrenacker 15, 8200 Schaffhausen, Switzerland.

(2) Mr. Peter Elms was an employee of Accenture Inc. During his employment period, Mr. Elms, as part of his employment duties, participated in the development of the subject matter of the above-referenced patent application.

Application No. 10/743,321

Declaration in Support of Petition under 37 C.F.R. 1.47(a) dated November 4, 2004

Notice to File Missing Parts dated April 5, 2004

(3) After Mr. Elms left Accenture Inc, he retained separate patent counsel, as evidenced by letter of December 12, 2003 from James G. Gatto Esq., attached hereto as Appendix 1.

(4) According to Accenture, Inc.'s personnel records and as confirmed in a telephone conversation with Mr. Gatto, Mr. Elms' current correspondence address is 4215 Oakridge Lane, Chevy Chase, Maryland 20815.

(5) I forwarded to Mr. Elms, through his attorney Mr. Gatto, a letter forwarding a Declaration document and a copy of the complete application as filed. A copy of this letter is attached hereto as Appendix 2.

(6) On June 10, 2004, I received a letter from Mr. Gatto confirming that Mr. Elms had received the letter of May 18, 2004 containing the attached Declaration document and the copy of the complete application as filed. Mr. Gatto further indicated that Mr. Elms was refusing to sign the application without further compensation. A copy of this letter is attached hereto as Appendix 2.

(7) On or approximately October 25 2004, I spoke with an associate of Mr. Gatto, who indicated that Mr. Elms would not execute the Declaration document unless Accenture Inc. paid an exorbitant fee of \$15,000.

(9) I have received no other response or correspondence from Mr. Elms or his counsel. I make this declaration to prevent abandonment of the subject patent application as Mr. Elms is required to execute the Declaration and Power of Attorney but has not yet done so.

Application No. 10/743,321

Declaration in Support of Petition under 37 C.F.R. 1.47(a) dated November 4, 2004

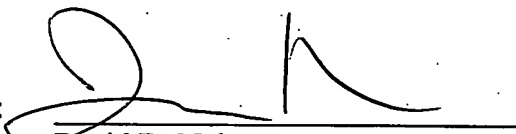
Notice to File Missing Parts dated April 5, 2004

I further declare that all statements made herein of my own knowledge are true; that all statements made on information and belief are believed to be true; that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001; and that such willful false statements may jeopardize the validity of the application or document or any resulting registration resulting therefrom.

Respectfully submitted,

Dated: November 4, 2004

By:



David D. Nelson

Registration No. 47,818

Hogan & Hartson, L.L.P.

555 13th St., N.W.

Washington, DC 20004

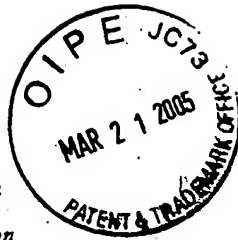
Telephone: (202) 637-5497

Facsimile: (202) 202-637-5910

Customer No. 30398

MINTZ LEVIN
COHN FERRIS
GLOVSKY AND
POPEO PC

Reston
Boston
New York
Washington
New Haven



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703 464 4800
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James G. Gatto
Member

Direct dial 703 464 8182
jggatto@mintz.com

June 9, 2004

BY FEDERAL EXPRESS

Celine J. Crowson, Esquire
Hogan & Hartson, L.L.P.
Columbia Square
555 Thirteenth Street, NW
Washington, DC 20004-1109

HOGAN & HARTSON L.L.P.

JUN 10 2004

IP DOCKETING DEPT.

Re: U.S. Patent Application Serial No. 10/743,321
Filed: December 23, 2003
For: "SECURE ELECTRONIC REGISTRATION AND VOTING SOLUTION"
Your Reference: 86769-0026US
Our Reference: 23906-002

Dear Ms. Crowson:

Further to your letter of May 18, 2004, Mr. Elms is willing to sign the Declaration, subject to resolution of various issues, some of which are addressed below. I suggest that we arrange for a telephone conversation to discuss the issues further.

Regarding the Declaration, Mr. Elms notes that the information listed for him is not correct. He is in fact a citizen of Canada. Furthermore, Mr. Elms is not able to sign the Declaration at this point because he believes he is the sole inventor of the subject matter claimed therein. As you recall, Mr. Elms is the sole inventor listed in the provisional application from which this utility application claims priority. The claims of the utility application appear to be supported by the contributions made by Mr. Elms alone. Please provide an explanation of why David K. Black, Emmett H. Fremaux, Niten Malik and Carl Almond are added to the utility application.

Furthermore, regarding a review of the content of the patent application for accuracy, completeness and compliance with 35 U.S.C. Section 112 (including satisfaction of the best mode requirement), Mr. Elms is willing to undertake the necessary review provided he is given reasonable compensation for his time. Please let us know if your client is willing to agree to reasonable compensation, and if so, please provide us a proposal that we may present to Mr. Elms.

MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C.

Celine Crowson, Esquire

June 9, 2004

Page 2

Mr. Elms also wants to make sure that when he signs, he will be ensured that all prior art and other information of which he is aware will be submitted to the United States Patent and Trademark Office to comply with the duty of disclosure. Please confirm that, subject to the foregoing, if Mr. Elms signs, you will submit all of the information he provides to the USPTO.

I look forward to your response, and to discussing this matter further.

Sincerely,

James G. Gatto / bcb

James G. Gatto

JGG



HOGAN & HARTSON
L.L.P.

CELINE JIMENEZ CROWSON
PARTNER
(202) 637-5703
CJJCROWSON@HHLAW.COM

May 18, 2004

COLUMBIA SQUARE
555 THIRTEENTH STREET, NW
WASHINGTON, DC 20004-1109
TEL (202) 637-5600
FAX (202) 637-5910
WWW.HHLAW.COM

BY FEDERAL EXPRESS

James G. Gatto, Esquire
Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, PC
12010 Sunset Hills Road
Suite 900
Reston, Virginia 20190-5839

Re: U.S. Patent Application No. 10/743,321
Entitled: SECURE ELECTRONIC REGISTRATION AND
VOTING SOLUTION
Inventors: ELMS, Peter et al.
Your Ref.: 23906-002
Our Ref.: 86769-0026US

Dear Mr. Gatto:

Further to your letter of December 12, 2003, enclosed for Mr. Elm's records is a copy of the specification and figures for the above referenced patent application, which was filed in the U.S. Patent and Trademark Office (USPTO) on December 23, 2003. After reviewing the application, Mr. Elms should execute and return the enclosed Declaration form so that we may file this document with the USPTO to avoid abandonment of the patent application.

Please note that if we do not receive the executed Declaration Form within three weeks (June 8, 2004), we take steps as necessary to preserve the patent application.

Your truly,

Celine Jimenez Crowson

Celine Jimenez Crowson

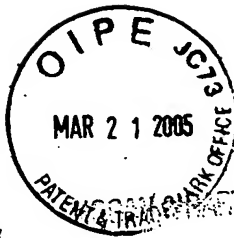
CJC/DDN:dm

Enclosures:

Application
Figures
Declaration

MINTZ LEVIN
COHN FERRIS
GLOVSKY AND
POPEO PC

Boston
Washington
Reston
New York
New Haven
Los Angeles
London



DEC 13 2003

IP DOCKETING DEPT.

12010 Sunset Hills Road
Suite 900
Reston, Virginia 20190-5839
703 464 4800
703 464 4895 fax
www.mintz.com

James G. Gatto
Member

Direct dial 703 464 8182
jggatto@mintz.com

December 12, 2003

Reynold Aust, Esquire
Hogan & Hartson L.L.P.
555 Thirteenth Street, N.W.
Washington, D.C. 20004

Re: U.S. Patent Application
Serial No.: 60/444,885
Filed: February 5, 2003
Title: "Secure Electronic Registration and Voting Solution"
Our Reference: 23906-002

Dear Mr. Aust:

I represent Peter Elms in connection with patent matters. I understand that you have prepared and filed a provisional patent application naming him as an inventor. I also understand that you have requested that Mr. Elms sign certain documents associated with the application. I understand that there may be some additional issues that need to be addressed. Since Mr. Elms is no longer an employee, I am sure you can appreciate that he does not want to spend a significant amount of time on these issues.

I also understand that Mr. Elms may be aware of some prior art that may be relevant to the patentability of the application. Pursuant to the duty of disclosure, Mr. Elms will identify this information (as discussed below) and I am sure you will disclose this information to the United States Patent and Trademark Office to comply with the duty.

To expedite resolution of any issues that remain, we request that all issues be identified and addressed at one time. To this end, I request that you provide me with the following:


1. A copy of all documents for which you request Mr. Elm's signature
2. A copy of the provisional application(s) as filed and any utility application(s) filed or to be filed; and

3. All agreements that exist between your client and Mr. Elms that relate to any rights or obligations concerning the patent application.

Once we have all of the requested information we will discuss resolution of all remaining issues and Mr. Elm will provide disclosure of the prior art of which he is aware.

Please direct all future correspondence regarding these patent matters to me.

Very truly yours,


James G. Gatto

JGG/mrs

cc: Michael B. Chernoff
Peter Elms

BEST AVAILABLE COPY

FedEx USA Airbill 8371 7839 2190

Express

1 From Please print and read here

Date 5-18-04 Sender's FedEx Account Number 0200-0273-5

Sender's Name **CALINE JIMENEZ CROWSON** Phone (202) 637-5826

Company **HOGAN & HARTSON LLP**

Address **555 13TH ST NW STE 800E** Date Recd/Ship/Ship From

City **WASHINGTON** State **DC** ZIP **20004**

2 Your Internal Billing Reference **86769-0026045**

3 To Recipient's Name

JAMES G. GATO, ESQ Phone 1
MINTZ, LEVIN, COHN, FERRIS, GLOVSKY + POPEO, PC

Company

Address **12010 SUNSET HILLS ROAD** We cannot deliver to P.O. boxes or P.O. ZIP codes.
Suite 900

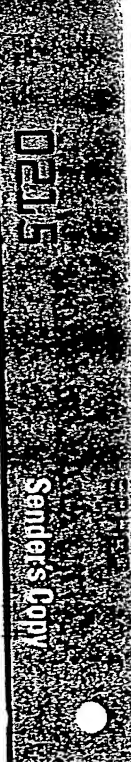
Address

City **RESTON** State **VA** ZIP **20190-5839**

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Questions? Visit our Web site at fedex.com
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4a Express Package Service

☐ FedEx Priority Overnight ☒ FedEx Standard Overnight ☐ FedEx First Overnight
Next business morning Next business day Next business day

☐ FedEx 2Day ☐ FedEx Express Saver
Second business day Third business day

4b Express Freight Service

☐ FedEx 1Day Freight* ☐ FedEx 2Day Freight ☐ FedEx 3Day Freight
Next business day Second business day Third business day

5 Packaging

☒ FedEx Envelope* ☐ FedEx Pak* ☐ Other
Includes FedEx Small Pak, FedEx Large Pak, and FedEx Sturdy Pak

6 Special Handling

☐ SATURDAY Delivery ☐ HOLD Weekday ☐ HOLD Saturday
Available ONLY for FedEx 2Day to select ZIP codes Available ONLY for FedEx 2Day to select ZIP codes

Does this shipment contain dangerous goods? ☐ No ☐ Yes ☐ Yes ☐ No ☐ Yes ☐ No
Use blue must be checked. Shipper's Declaration Shipper's Declaration Shipper's Declaration Shipper's Declaration

7 Payment Bill to:

☒ Sender ☐ Recipient ☐ Third Party ☐ Credit Card ☐ Cash/Check

FedEx Acct. No.

Total Packages **1** Total Weight **\$** **200** Total Declared Value*

8 Release Signature

By signing you authorize us to deliver this shipment without obtaining a signature and agree to indemnify and hold us harmless from any resulting claims.

447

PULL AND RETAIN THIS COPY BEFORE AFFIXING TO THE PACKAGE.